

ORDINANCE No. \_\_\_\_\_, SERIES 2008

**AN ORDINANCE AMENDING SECTIONS 51.405 AND 51.507 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO THE DISPOSAL OF YARD WASTE.**

**Sponsored By: Council Members Tom Owen and Jim King**

**NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:**

**SECTION I.** Section 51.405 of the Louisville/Jefferson County Metro Government Code of Ordinances ["LMCO"] is hereby amended to read as follows:

**§ 51.405 COLLECTION IN URBAN SERVICES DISTRICT.**

(A) For the collection of household solid waste.

(1) The Department will collect household solid waste set out for collection from residential buildings having eight or fewer units. All household waste ~~garbage~~ must be set out in the cart provided by the Department. No plastic bags containing household waste are allowed to be set outside of the carts. ~~Plastic bags may be used only for the collection of yard waste.~~

(2) All household waste ~~garbage~~ must be set out by 6:00 a.m. on the collection day set by the Department, and may be set out no earlier than 4:00 p.m. on the day before collection.

(3) All carts must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(4) Variance.

(a) If any owner or occupant believes that compliance with subsection (A)(1) would create a hardship by reason of physical handicap or medical

condition; or because of impossibility due to the physical conditions for waste collection at their adjoining properties; the owner or occupant may apply for a variance, in writing, to the Director stating the basis for the hardship and the relief requested.

(b) The Director upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance may grant the relief requested or other appropriate relief.

(B) For the collection of yard waste.

(1) The Department will collect yard waste set out for collection from residential buildings having eight or fewer units. All yard waste must be set out in paper bags, bags that are biodegradable or able to be composted (must meet or exceed the American Standards for Testing and Materials standard known as ASTM D6400, "Standard Specification for Compostable Plastics," as it may be amended), or in a waste container of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity. The yard waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. Yard waste may not be placed in plastic bags for collection.

(2) The provisions of LMCO 51.405(A)(2) through (4) shall also apply to the collection of yard waste.

(C) For the collection of small business solid waste.

(1) The Department will collect small business solid waste set out for collection by small businesses that use roll out carts provided by the Department. No other carts, waste ~~garbage~~ cans, plastic bags or containers may be used for the storage of or collection of solid waste in the Urban Services District. The Department will provide

two 95-gallon carts per business; any waste in excess of this amount will be charged per § 51.403.

(2) For purposes of this subsection (B), a small business shall mean any business or organization that has a volume of solid waste that can be disposed of on a weekly basis in four or less 95-gallon carts.

(~~CD~~) (1) It shall be unlawful for any person to place waste ~~garbage~~ and household solid waste for collection in the public streets and alleys in the Urban Services District except in accordance with the terms of this chapter.

(2) If granted an exemption for set-out in subsection (A)(4)(b) above the containers must meet specifications set out in § 51.507 consistent with the terms of the exemption.

(~~DE~~) Other regulations established by the Director may apply to the collection and setting out of waste ~~garbage~~, recycling, and yard wastes.

(~~EF~~) Tree limbs, branches and brush must be cut into four foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(~~FG~~) The following materials shall not be set out for collection: auto parts, tires, asphalt, concrete, dirt, rock, asbestos, hazardous waste (including medical waste) and hot ashes.

(~~GH~~) Project pick-up; bulky waste.

(1) Except as otherwise provided herein, there is no limit on the number or types of items that may be set out for collection by Project Pick-up. However, all items must come from the household where they are set out.

(2) No construction or demolition materials (including but not limited to lumber, shingles, gutters, siding and concrete slabs) may be set out.

(3) No more than four tires per residence may be set out. No automotive parts (including but not limited to engines, transmissions, axles and body panels) may be set out. No boats or motorcycles may be set out.

(4) Tree limbs, branches and brush must be cut into four foot lengths no greater than four inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(5) No loose debris may be set out. All small items must be boxed, bagged or bundled. No bag, box or bundle may weigh more than 60 pounds.

(6) No hazardous waste such as motor oil, batteries, paint, gasoline, antifreeze or chemicals (including medical waste) as defined in KRS Chapter 224 may be set out.

(7) No 55-gallon drums may be set out.

(8) Doors must be removed from freezers and refrigerators.

(9) All items must be set out no earlier than 4:00 p.m. of the Friday before the announced Project Pick-up Collection Week and no later than 6:00 a.m. on the Monday of the announced Project Pick-up Collection Week.

(10) Project Pick-up items must be set out at the same location as that specified for regular waste ~~garbage~~ pick-up but sufficiently separated so that it is easily distinguished.

**SECTION II.** LMCO Section 51.507 is hereby amended to read as follows:

## **§ 51.507 SOLID WASTE CONTAINER SPECIFICATIONS.**

(A) Inside the General Services District the following shall apply:

(1) The occupant shall deposit all waste placed out for collection or storage in containers designed for the express purpose of solid waste storage and removal. Outdoor solid waste collection containers shall conform to the requirements set forth in this chapter or by regulations established by the Waste Management District or the Director of the Department and shall conform to the requirements set forth in § 156.051(B)(2) through (B)(5) and § 156.055. Any notice or citation issued for a violation of § 156.051(B)(2) through (B)(5) and § 156.055 shall carry the penalties as provided therein.

(2) Reusable containers that are emptied manually shall not exceed 60 pounds when filled, and shall be capable of being serviced without the waste hauler coming into physical contact with the solid waste.

(3) All yard waste must be set out in paper bags, bags that are biodegradable or able to be composted (must meet or exceed the American Standards for Testing and Materials standard known as ASTM D6400, "Standard Specification for Compostable Plastics," as it may be amended), or in a garbage container that conforms to the requirements set forth in § 156.051(B)(2) through (B)(5) and § 156.055. Yard waste may not be placed in plastic bags for collection. Paper bags may be used only for the storage and collection of yard waste.

(4) Containers used for animal manure shall be kept tightly covered at all times and shall be sealed to prevent access by flies and other vectors.

(5) Containers used for mechanized waste collection, including

stationary compactors, shall be equipped with a close-fitting lid and be kept leak-proof and rodent-proof. They shall also be in compliance with the U.S. Consumer Product Safety Commission design criteria for refuse bins.

(6) All household ~~waste~~ ~~garbage~~ must be set out by 6:00 a.m. on the collection day designated by the waste hauler, and may be set out no earlier than 4:00 p.m. on the day before the collection. All containers must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(B) Enforcement. In addition to enforcement by the Department, IPL shall have authority to issue notices and citations for violations subsections (A)(1) through (A)(5) of this section.

**SECTION III.** This Ordinance shall take effect September 1, 2008.

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Kathleen J. Herron  
Metro Council Clerk

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President of the Council

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Jerry E. Abramson  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_